



RYLZ 2 00658-1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

INVENTOR(S) : John S. Murphy, et al.
TITLE : **BAGLESS CANISTER VACUUM
CLEANER**
APPLICATION NO. : 10/790,304
FILED : March 1, 2004
CONFIRMATION NO. : 9303
EXAMINER : Jason M. Greene
ART UNIT : 1724
LAST OFFICE ACTION : July 20, 2004
ATTORNEY DOCKET NO. : RYLZ 2 00658-1
Cleveland, OH 44114
October 19, 2004

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION (37 CFR 1.321(b))**

MAIL STOP AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Identification Of Person(s) Making This Disclaimer

Name(s) of disclaimant: Jay F. Moldovanyi of Fay, Sharpe, Fagan, Minnich & McKee, LLP, 1100 Superior Avenue, Seventh Floor, Cleveland, Ohio 44114, represent that I am a representative authorized to sign on behalf of the assignee identified below.

**Identity of Assignee and
Title of Disclaimant (if applicable)**

The Assignee is

Name of Assignee Royal Appliance Mfg. Co.

Address of Assignee 7005 Cochran Road,
Glenwillow, Ohio 44139

Title of disclaimant Registered Attorney for Assignee authorized to sign on behalf of
Assignee

10/26/2004 FFANAI2 00000006 10790304

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Recordal of Assignment in PTO

X the assignment was recorded on August 31, 2001 at Reel 012137 Frame 0545.
___ authorization for recordal of the assignment is separately attached

Extent of Interest

The extent of my (our) interest is in

X the whole of the invention
___ a sectional interest in this invention as follows (here state the exact interest of the disclaimant(s):

I state that the relevant evidentiary documents have been reviewed, and certify that to the best of my knowledge and belief, title is in the assignee taking this action.

Disclaimer

I hereby disclaim the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term

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and hereby agree that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to

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this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Petitioner does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration date of the full statutory term of

X United States Patent No. 6,712,868 as presently shortened by any terminal disclaimer

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in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer except for the separation of legal title stated above.

Fee Status

(37 CFR 1.20(d) and 37 CFR 1.321)

X other than a small entity - fee \$ 110.00

 small entity - fee \$ 55.00

FEE PAYMENT

X Attached is a check in the amount of \$110.00

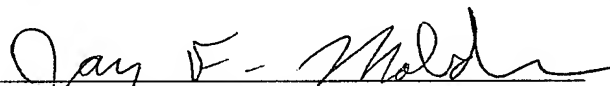
X Charge Deposit Account No. 06-0308 for any fee deficiency required by this paper.

 Charge Deposit Account No. in the sum of \$. A duplicate copy of this disclaimer is attached.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

**FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP**



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216/861-5582

CERTIFICATE OF MAILING

I certify that this paper is being

- ☒ deposited with the United States Postal Service as First Class mail under 37 C.F.R. § 1.8, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
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Express Mail Label No.:
Date <i>Oct 10, 2004</i>

Signature <i>Crystal D. Tidrick</i>
Printed Name Crystal D. Tidrick

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